UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

340B HOLDINGS, LLC	§	
d/b/a SUNRX	§	
	§	
Plaintiff,	§	
	§	No. 1:20-CV-197-RP
VS.	§	
	§	
MATTHEW BOBO	§	
in his individual capacity and	§	
PERFORMANCE HEALTHCARE	§	
SOLUTIONS, LLC	§	
	§	
Defendants.	§	

PLAINTIFF'S MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS TO PLAINTIFF'S MOTION FOR PRELIMARY INJUNCTION

Pursuant to Local Rule CV-5.2, Plaintiff 340B Holdings, LLC d/b/a SUNRx ("SUNRx") respectfully moves to file this Motion for Leave to File Under Seal Exhibits to Plaintiff's Motion for Preliminary Injunction, filed simultaneously with this Motion. Exhibit A to the Motion for Preliminary Injunction is a true and correct copy of the Declaration of Jill Simoes (the "Simoes Declaration"), the General Manager of SUNRx. Although the Simoes Declaration is being filed publicly, several of the exhibits to the Simoes Declaration, described below, contain confidential, proprietary, and trade secret information that should not be made public at this time.

Exhibit 4 to the Simoes Declaration is a true and correct copy of Defendant Bobo's
correspondence with a current SUNRx client. That correspondence includes
material that may be confidential to Performance Healthcare Solutions, LLC
("Performance Healthcare").

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• Exhibit 8 to the Simoes Declaration is a true and correct copy of several 340B

Assessment Packets provided for specific SUNRx clients. These packets contain

competitive sensitive business information, including SUNRx's administrative fee

pricing, financial information related to specific medical providers, and curated

customer information.

• Exhibit 9 to the Simoes Declaration is a true and correct copy of an excerpt of a

spreadsheet reflecting SUNRx's proprietary financial analysis of the potential

profit a specific SUNRx client would obtain by using SUNRx's services.

• Exhibit 10 to the Simoes Declaration is a true and correct copy of a regulatory

analyses performed by SUNRx employees to evaluate the impact of certain

legislation on SUNRx's business opportunities.

Plaintiff respectfully requests that the Court grant this motion and that the Court enter an

order allowing Exhibits A-4, A-8, A-9, and A-10 be filed with the Court under seal for the Court's

consideration in connection with SUNRx's Motion for Preliminary Injunction. A proposed order

is also attached.

Dated: March 2, 2020

Respectfully Submitted,

/s/ Katherine P. Chiarello

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 2020, a true and correct copy of the foregoing document was tendered for filing to the Clerk of the U.S. District Court for the Western District of Texas using the Court's CM/ECF system and transmitted by email and first-class mail to Marc Katz, DLA Piper LLP (US), 1900 Pearl Street, Suite 2200, Dallas, Texas 75201 and marc.katz@dlapiper.com.

/s/ Katherine P. Chiarello
Katherine P. Chiarello